

REMARKS

Favorable reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks are respectfully requested.

Currently, claims 1, 2, 4, 5, 8, 10-17, 19-33 and 36-38 remain pending in the present application, including independent claims 1, 10, 21 and 23. The claims are directed to a carton adapted for storing and displaying stacked sheet material, are directed to a sheet material dispenser, and are directed to a system for transporting and displaying sheet material in a 3-sided carton. Claims 1, 4, 5, 10, 11, 17, 19-21, 33, and 36-38 were indicated as being allowable.

In the Office Action, claims 2, 8, 12-16, and 22-32 were rejected under 35 U.S.C. § 112, second paragraph. In response, claims 2, 8, 12, 22, 23, and 30 have been amended as suggested by the Examiner in order to overcome the indefiniteness rejection. Furthermore, claims 16, 25, and 28 have been amended to claim more clearly the subject matter as requested by the Examiner.

As amended above, Applicant respectfully submits that the claims are now definite within the meaning of 35 U.S.C. § 112, second paragraph. As such, Applicant respectfully requests reconsideration and allowance of the claims.

In the Office Action, claims 23, 29, and 30 were rejected under 35 U.S.C. § 102(b) as being anticipated by 3,294,229 to McConnell, et al. McConnell, et al. is directed to a napkin holder that is constructed out of one single sheet of lightweight thermoplastic sheet material, preferably polystyrene foam. Col. 2, ll. 19-27. The holder disclosed by McConnell, et al. is formed by upturning the sides substantially vertical after heating the sheet material along transverse lines to a forming temperature where the material is softened and can be easily bent into shape. After heating, it is held in position and cooled until a permanent set is effected, resulting in a rigid structure. Col. 2, ll. 28-43.

As amended, independent claim 23 requires that the first side comprise a first outer side wall and a first inner side wall and the second side comprise a second outer side wall and a second inner side wall. Applicant submits that these limitations are not disclosed nor suggested by McConnell, et al. Thus, Applicant respectfully submits that independent claim 23 is patentable over McConnell, et al., and favorable reconsideration and allowance are respectfully requested.

Also, in the Office Action, claims 24-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McConnell, et al. in view of U.S. Patent No. 2,331,038 to Meller. As explained above, the holder disclosed by McConnell, et al. is a rigid structure once it is permanently set after heating and cooling. As such, no motivation, incentive, or suggestion exists to further provide assistance in maintaining erect the sides. Thus, Applicant submits that one of ordinary skill in the art would not be motivated to further support the sides through the use of tabs positioned along the first and second edges of the bottom panel, as required in claims 24-28.

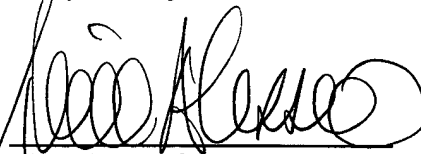
In this case, Applicant respectfully submits that, when properly viewed as a whole, there is simply no motivation to combine the references in the manner suggested in an attempt to render obvious the presently rejected claims. Thus, for at least the reasons set forth above, Applicant respectfully submits that claims 24-28 patentably define over the above-cited references, taken alone or in any proper combination.

In summary, favorable reconsideration and a notice of allowance are respectfully requested in view of the above amendments and remarks. Should any issues remain after consideration of this amendment, however, then Examiner Lev is invited and encouraged to telephone the undersigned at his convenience.

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Date

Respectfully submitted,



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